

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,

V.

NICOLAOS MENIS,
a/k/a NICK MENIS,
a/k/a NICK GUERRERO,
a/k/a OSCAR GUERRERO,

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 1349 - Conspiracy to Commit Mail Fraud;
18 U.S.C. § 1341 - Mail Fraud;
18 U.S.C. § 1956(h) - Conspiracy to Commit Money Laundering;
18 U.S.C. §§ 981(a)(1)(C) & 982(a)(1) & 28 U.S.C. § 2461(c) - Criminal Forfeiture

A true bill.

Nancy J. Peterson
Foreman

Filed in open court this 7th day of

August 2014.

Jim Fawcett
Clerk

Bail, \$

no bail and warrant

Nathanael Cousins
Nathanael Cousins
United States Magistrate Judge

FILED

AUG - 7 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SI

CR 14 426

SEALED
BY COURT ORDER

1 MELINDA HAAG (CABN 132612)
2 United States Attorney

FILED

AUG - 7 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

SI

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 NICOLAOS MENIS,
15 a/k/a, Nick Menis,
16 a/k/a, Nick Guerrero,
17 a/k/a, Oscar Guerrero,

Defendant.

CR 14 426

) VIOLATIONS: 18 U.S.C. § 1349 – Conspiracy
) to Commit Mail Fraud; 18 U.S.C. § 1341 –
) Mail Fraud; 18 U.S.C. § 1956(h) – Conspiracy
) to Commit Money Laundering; Criminal
) Forfeiture – 18 U.S.C. §§ 981(a)(1)(C) &
) 982(a)(1) & 28 U.S.C. § 2461(c)
)
) SAN FRANCISCO VENUE
)
)
)

18 INDICTMENT

19 The Grand Jury charges:

20 Introductory Allegations

21 At all times relevant to this Indictment:

22 1. NICOLAOS MENIS, a/k/a Nick Menis, a/k/a Nick Guerrero, a/k/a Oscar Guerrero,
23 resided in Dollard-des-Ormeaux, Quebec, Canada. On or about March 31, 2011, Menis formed Search
24 Engine Technologies Inc. as a Nevada corporation and was listed as its president, secretary, treasurer,
25 and director. From on or about April 6, 2011, to on or about April 11, 2011, MENIS was listed as the
26 president, secretary, treasurer, and director of Nation Wide Business Network Inc. and Internet
27 Company Services Inc., both Nevada corporations, and the manager of National Business Network, LLC
28 and On Line Business Systems, LLC, both Nevada limited liability companies.

INDICTMENT

18

3. Beginning at a time unknown, but not later than May 2009, and continuing through approximately June 2014, in the Northern District of California and elsewhere, the defendant,

and others known and unknown to the Grand Jury, conspired to and did execute, and attempted to execute, a material scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and by omission and concealment of material fact.

4. As part of the scheme, MENIS sent, or caused others to send, invoices to small businesses, churches, cities, and others indicating that they owed payment for a service variously described as “business listing optimization,” “business profile optimization,” and “online business listing optimization,” when in fact such services were never ordered. The invoices instructed the small businesses, churches, cities, and other persons to send payment – usually around \$500 – to a street address. The street address, in fact, was a UPS or similar mailbox rented by one of the Companies or another entity involved in the scheme.

a. MENIS opened, or caused others to open, multiple United States bank accounts on behalf of certain Companies and other entities involved in the scheme.

1 b. MENIS caused others to open multiple mailboxes in various UPS stores, or
2 similar stores, on behalf of certain Companies and other entities involved in the scheme, including box
3 number 426 at a UPS store at 182 Howard Street, San Francisco, California 94105, opened in the name
4 of National Business Network.

5 c. MENIS instructed, or caused others to instruct, UPS and similar stores receiving
6 mail on behalf of certain Companies and other entities involved in the scheme to forward the mail to
7 addresses in Canada or a mail forwarder near the Canadian border.

8 d. MENIS caused others to call, or receive calls from, small businesses, churches,
9 cities, and other persons regarding the fraudulent invoices and falsely state that the small businesses,
10 churches, cities, or other persons had ordered "business listing optimization" or similar services and
11 owed the amount on the invoice.

12 e. MENIS caused the UPS or similar stores to forward checks received from small
13 businesses, churches, cities, and other persons in payment of the fraudulent invoices to Canada.

14 f. MENIS caused others to endorse such checks and deposit such checks in United
15 States bank accounts held by Companies and other entities involved in the scheme.

16 g. MENIS wired, or caused others to wire, some of the money deposited in United
17 States bank accounts held by Companies and other entities involved in the scheme to accounts in
18 Canadian banks.

19 6. Between in or about May 2009 and in or about June 2014, MENIS and others known and
20 unknown to the Grand Jury, using this false billing scheme, collected approximately \$3.6 million from
21 more than 4,000 victims and transferred more than \$3.6 million to Canada.

22 COUNT ONE: (18 U.S.C. § 1349 – Conspiracy to Commit Mail Fraud)

23 7. The factual allegations in Paragraphs 1 through 6 are re-alleged and incorporated by
24 reference.

25 8. Beginning at a time unknown to the Grand Jury, but not later than in or about May 2009,
26 and continuing until in or about June 2014, in the Northern District of California and elsewhere, the
27 defendant,
28

NICOLAOS MENIS,
a/k/a Nick Menis,
a/k/a Nick Guerrero,
a/k/a Oscar Guerrero,

and others known and unknown to the Grand Jury, did knowingly conspire to devise a material scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and by omission and concealment of material facts, and did knowingly cause the United States mails and interstate carriers to be used for the purpose of executing and attempting to execute the scheme, in violation of Title 18, United States Code, Section 1341.

All in violation of Title 18, United States Code, Section 1349.

COUNTS TWO THROUGH FIVE: (18 U.S.C. § 1341 – Mail Fraud)

9. The factual allegations in Paragraphs 1 through 6 are re-alleged and incorporated by reference.

10. On or about the dates set forth below, in the Northern District of California and elsewhere, the defendant,

NICOLAOS MENIS,
a/k/a Nick Menis,
a/k/a Nick Guerrero,
a/k/a Oscar Guerrero,

did knowingly, and with intent to defraud, devise and intend to devise a material scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and by omission and concealment of material facts, and, for the purpose of executing such scheme and artifice and attempting to do so, did knowingly place in any post office or authorized depository for mail matter any matter or thing whatever to be sent or delivered by the Postal Service, and deposit and cause to be deposited any matter or thing whatever to be sent and delivered by private or commercial interstate carrier, and took and received therefrom such matters and things, and knowingly caused to be delivered by mail or such carrier according to the direction thereon or at the place at which it was directed to be delivered by the person to whom it was addressed such matters and things, namely:

COUNT	DATE	ITEM	TO	FROM
TWO	8/25/2011	\$497 payment	182 Howard St, # 426 San Francisco, CA	Naperville, IL
THREE	8/26/2011	\$497 payment	182 Howard St, # 426 San Francisco, CA	Ottawa, IL
FOUR	9/1/2011	\$496 payment	182 Howard St, # 426 San Francisco, CA	Butler, PA
FIVE	10/27/2011	\$497 payment	182 Howard St, # 426 San Francisco, CA	Klamath Falls, OR

All in violation of Title 18, United States Code, Section 1341.

COUNT SIX: (18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering)

11. The factual allegations in Paragraphs 1 through 10 are re-alleged and incorporated by reference.

12. Beginning at a time unknown to the Grand Jury, but not later than in or about May 2009, and continuing until in or about June 2014, in the Northern District of California and elsewhere, the defendant,

NICOLAOS MENIS,
a/k/a Nick Menis,
a/k/a Nick Guerrero,
a/k/a Oscar Guerrero,

and others known and unknown to the Grand Jury, did knowingly conspire to commit money laundering, namely to transport, transmit, and transfer money from a place in the United States to and through a place outside the United States to promote the carrying on of mail fraud, as defined in Title 18, United States Code, Section 1956(a)(2)(A).

All in violation of Title 18, United States Code, Section 1956(h).

FORFEITURE ALLEGATION: (18 U.S.C. §§ 981(a)(1)(C) & 982(a)(1) & 28 U.S.C. § 2461 – Forfeiture of Fraud Proceeds; Money Laundering Forfeiture)

13. The factual allegations in Paragraphs 1 through 12 are re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(1), and Title 28, United States Code, Section 2461.

14. Upon conviction of any of the offenses alleged in Counts One through Five, the defendant,

NICOLAOS MENIS,
a/k/a Nick Menis,
a/k/a Nick Guerrero,
a/k/a Oscar Guerrero,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461, any property, real and personal, which constitutes or is derived from proceeds traceable to said violations, including but not limited to a sum of not less than \$3.6 million, representing the amount of proceeds obtained as a result of the offenses alleged in Counts One through Five.

15. Upon conviction of the offense alleged in Count Six, the defendant,

NICOLAOS MENIS,
a/k/a Nick Menis,
a/k/a Nick Guerrero,
a/k/a Oscar Guerrero,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any property, real and personal, involved in said violations, including, but not limited to, a sum of not less than \$3.6 million, representing the amount of funds involved in the offense alleged in Count Six.

16. If, as a result of any act or omission of the defendant, any of said property

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to or deposited with a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

any and all interest defendant has in any other property, up to the value of the property described in Paragraphs 13 through 15 above, shall be forfeited to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(1), and Title 28, United States Code, Section 2461.

1 All in violation of Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(1), and Title
2 28, United States Code, Section 2461.

3 DATED: August 7, 2014

4 A TRUE BILL

5
6 Nancy J. Riteron
7 FOREPERSON
8

9 MELINDA HAAG
10 United States Attorney

11 J. Douglas Wilson
12 J. DOUGLAS WILSON
13 Chief, Criminal Division

14 (Approved as to form: Robert S. Leach)
15 AUSA ROBERT S. LEACH
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1 MELINDA HAAG (CABN 132612)
United States Attorney

2 J. DOUGLAS WILSON (DCBN 412811)
3 Chief, Criminal Division

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Assistant United States Attorney

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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 NICOLAOS MENIS,

17 a/k/a, Nick Menis,
18 a/k/a, Nick Guerrero,
a/k/a, Oscar Guerrero,

19 Defendant.

Case No.

UNITED STATES' APPLICATION TO SEAL
AND [PROPOSED] SEALING ORDER

20
21 APPLICATION

22 The United States respectfully requests the Court issue an order directing the Clerk of the Court
23 to file and maintain under seal the Indictment in this matter dated August 7, 2014, the Arrest Warrant,
24 this Application to Seal and [Proposed] Sealing Order, and the Sealing Order, until further order of the
25 Court. In support of this Application, the United States respectfully submits that sealing the Indictment
26 will serve to prevent the flight of the defendant and/or destruction of evidence in advance of the
27 execution of the Arrest Warrant to be issued in connection with the Indictment. The United States

28 UNITED STATES APPLIC. TO SEAL & [PROPOSED] SEALING ORDER

FILED

AUG - 7 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BY COURT ORDER
SEALED

SI

CR 14 426

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1 respectfully requests that the Court order the Clerk of the Court to furnish copies of these documents to
2 the United States Department of Justice (which, includes, but is not limited to, the United States
3 Attorney's Office for the Northern District of California, the office representing the United States in the
4 criminal action, and any other United States Attorney's Office) and that the government be permitted to
5 furnish copies to law enforcement officers involved in effecting the arrest of the defendant.

6 Dated: August 7, 2014

Respectfully Submitted,

7 MELINDA HAAG
8 United States Attorney

9 
10 ROBERT S. LEACH
11 Assistant United States Attorney

12 **[PROPOSED] SEALING ORDER**

13 Based upon the motion of the government and for good cause shown, IT IS HEREBY
14 ORDERED that the government's Application, the Indictment, the Arrest Warrant, and this Sealing
15 Order shall be sealed until further order of the Court. Notwithstanding this Sealing Order, the
16 government shall be allowed to obtain a copy of this Sealing Order, as entered, and of the Indictment
17 and Arrest Warrant, and the government shall be permitted to furnish copies to law enforcement officers
18 involved in effecting the arrest of the defendant.

19
20 DATED: 8/7/2014

21 
22 HON. NATHANAEL COUSINS
23 United States Magistrate Judge

24
25
26
27
28 UNITED STATES APPLIC. TO SEAL & [PROPOSED] SEALING ORDER

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America

v.

Case No. CR14-526 SI

Nicolaos Menis aka Nick Menis aka Nick Guerrero aka
Oscar Guerrero
Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Nicolaos Menis aka Nick Menis aka Nick Guerrero aka Oscar Guerrero
who is accused of an offense or violation based on the following document filed with the court:

☒ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

18:1349 Conspiracy to commit mail fraud, 18:1341 Mail fraud, 18:1956(h) Conspiracy to commit money laundering

Date: Aug. 7, 2014

City and state: San Francisco CA

Issuing officer's signature

Deputy Clerk

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____

Date:

Arresting officer's signature

Printed name and title